

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION PUBLIC UTILITIES CONTROL

AT RICHMOND, APRIL 20, 2007

APPLICATION OF

DUKENET COMMUNICATIONS, LLC

CASE NO. PUC-2007-00020

For a certificate of public  
convenience and necessity to  
provide local exchange  
telecommunications services

ORDER FOR NOTICE AND COMMENT

On March 12, 2007, DukeNet Communications, LLC ("DukeNet" or the "Applicant"), filed an application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity ("certificate") to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that DukeNet's application should be docketed; that the Applicant should give notice to the public of its application; that interested persons should have an opportunity to comment and request a hearing on DukeNet's application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

Accordingly, IT IS ORDERED THAT:

- (1) This case is docketed and assigned Case No. PUC-2007-00020.
- (2) On or before May 16, 2007, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
DUKENET COMMUNICATIONS, LLC FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE  
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES  
THROUGHOUT THE COMMONWEALTH OF VIRGINIA  
CASE NO. PUC-2007-00020

On March 12, 2007, DukeNet Communications, LLC ("DukeNet" or "Applicant") filed an application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity ("certificate") to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia. Copies may also be downloaded from the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>, or may be ordered from DukeNet's counsel, Tracy W. Kimbrell, William Faltz, and Henry C. Campen, Jr., Parker Poe Adams & Bernstein, LLP, P.O. Box 389, Raleigh, North Carolina 27602.

On or before May 30, 2007, any person desiring to comment on DukeNet's application for a certificate to provide local exchange telecommunications services may do so by directing such comments to the Clerk of the Commission at the address set forth below. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>. A hard copy of the comments, whether submitted in writing or electronically, shall be simultaneously served upon DukeNet's counsel at the address set forth above.

Any person may request a hearing on DukeNet's application by filing an original and fifteen (15) copies of its request for hearing on or before May 30, 2007, with the Clerk of the Commission at the address set forth below. Requests must include: (i) a precise statement of interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Persons filing a request for hearing shall serve a copy of their request on or before May 30, 2007, upon DukeNet's counsel at the address set forth above.

All written communications to the Commission concerning DukeNet's application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE-2007-00020.

DukeNet Communications, LLC

(3) On or before May 16, 2007, the Applicant shall provide a copy of the notice contained in Ordering Paragraph (2) to each local exchange telephone carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. A list of all current local exchange carriers in Virginia is attached to this Order as Appendix A.

(4) Any person desiring to comment on DukeNet's application for a certificate to provide local exchange telecommunications services may do so by directing such comments in writing on or before May 30, 2007, to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested persons desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>. A hard copy of such comments, whether submitted in writing or electronically, shall be simultaneously served on DukeNet's counsel, Tracy W. Kimbrell, William Faltz, and Henry C. Campen, Jr., Parker Poe Adams & Bernstein, LLP, P.O. Box 389, Raleigh, North Carolina 27602. Comments must refer to Case No. PUC-2007-00020.

(5) On or before May 30, 2007, any person wishing to request a hearing on DukeNet's application for a certificate to provide local exchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing to the Clerk of the

Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2007-00020 and shall include: (i) a precise statement of interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy shall also simultaneously be served on the Applicant's counsel at the address set forth above.

(6) On or before June 13, 2007, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(7) The Commission Staff shall analyze the reasonableness of DukeNet's application and present its findings in a Staff Report to be filed on or before June 29, 2007.

(8) On or before July 13, 2007, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the Staff Report or comments and requests for hearing filed with the Commission. A copy of the response shall be delivered by overnight delivery to Staff and any other persons who filed comments or requests for hearing.

(9) The Applicant shall respond to written interrogatories or data requests within seven (7) days after receipt of the same. Persons who filed requests for hearing shall provide any workpapers or documents used in preparation of their requests for hearing, promptly upon request. Except as modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(10) The Applicant shall respond promptly to requests from interested persons for copies of the application and shall provide one copy free of charge. Copies are also available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building,

1300 East Main Street, Richmond, Virginia, or may also be downloaded from the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

(11) In accordance with 20 VAC 5-417-20 G 1 b, the Applicant shall provide a performance or surety bond in the amount of \$50,000 in a form to be prescribed by the Commission Staff. This bond shall be provided to the Commission's Division of Economics and Finance within thirty (30) days from the date of this Order.

(12) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:  
William S. Fultz, Esquire, Henry C. Campen, Jr., Esquire and Tracy W. Kimbrell, Esquire,  
Parker Poe Adams & Bernstein, LLP, P. O. Box 389, Raleigh, North Carolina 27602-0389;  
C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Division of Consumer  
Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia  
23219; and the Commission's Divisions of Communications, Public Service Taxation, and  
Economics and Finance.